

Message Text

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 2575

INFO USMISSION USBERLIN

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 17520

E.O. 11652: GDS

TAGS: PFOR, PGOV, WB, GW, GE, US, UK, FR

SUBJECT: BONN GROUP PAPER ON THE STATUS OF BERLIN:
STATUS REPORT

REFS: (A) BONN 16239; (B) PARIS 27979; (C) BONN 12805;
(D) USBER 1569; (E) BONN 12329; (F) BONN 11654

BEGIN SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT
ON FIRST SECTION OF PAPER FOR BRIEFING THIRD COUNTRIES
ON THE BERLIN SITUATION. END SUMMARY.

1. DRAFTING ON THE BASIS OF A JOINT FRENCH-AMERICAN
PAPER (POUCHED TO DEPARTMENT), BONN GROUP REACHED AD
REFERENDUM AGREEMENT IN ITS OCTOBER 14 MEETING ON THE
FIRST SECTION OF THE PAPER FOR BRIEFING THIRD COUNTRIES
ON THE BERLIN SITUATION.

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2. THE FRENCH-AMERICAN PAPER CONSISTS OF TWO SECTIONS:

-- AN ESSAY DESCRIBING THE HISTORICAL, LEGAL, AND POLITICAL SITUATION OF THE CITY FROM 1945 THROUGH THEQA IN 1971 TO THE PRESENT. THIS IS THE SECTION WHICH HAS BEEN AGREED AD REF AND IS CONTAINED IN PARA 4 BELOW.

-- AN ANNEX CONTAINING DETAILED STATEMENTS WHICH SET FORTH THE ALLIED POSITION ON CERTAIN QUESTIONS RELATING TO BERLIN WHICH HAVE BEEN RAISED IN INTERNATIONAL ORGANIZATIONS OR IN BILATERAL RELATIONS. SUBJECTS COVERED IN THE ANNEX INCLUDE:

-- 1. "THE EASTERN SECTOR OF BERLIN"

-- 2. "LOCATION IN BERLIN OF FRG GOVERNMENTAL INSTITUTIONS"

-- 3. "REPRESENTATION OF THE INTERESTS OF THE

B

I WSB ABROAD BY THE FRG"

A. "EXTENSION TO THE WSB OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS ENTERED INTO BY THE FRG"

B. "THE PARTICIPATION OF BERLINERS IN DELEGATIONS OF THE FRG"

C. "THE HOLDING IN THE WSB OF INTERNATIONAL CONFERENCES"

3. DRAFTING IN BONN GROUP ON THE ANNEX WILL CONTINUE AT NEXT MEETING.

4. BEGIN TEXT:

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SINCE THE ENTRY OF THE FEDERAL REPUBLIC OF GERMANY INTO THE UN IN SEPTEMBER 1973 QUESTIONS CONCERNING BERLIN HAVE ON OCCASION COME TO THE ATTENTION OF THIRD STATES. THESE QUESTIONS MOST OFTEN ARISE IN CONNECTION WITH THE REPRESENTATION BY THE FRG OF THE INTERESTS OF THE WESTERN SECTORS OF BERLIN IN INTERNATIONAL RELATIONS.

BY MEANS OF THIS PAPER, THE GOVERNMENTS OF
FRANCE, THE UK AND THE US, AS WELL AS THAT OF THE FRG,
WOULD LIKE TO PROVIDE INFORMATION ON CERTAIN ASPECTS OF
THE LEGAL AND POLITICAL SITUATION WITH RESPECT TO THE
CITY OF BERLIN.

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THE STATUS OF THE CITY OF BERLIN IS A PART OF
THE POLITICAL AND LEGAL SITUATION WHICH CAME INTO
BEING IN CENTRAL EUROPE IN THE AFTERMATH OF THE SECOND
WORLD WAR.

FOLLOWING THE DEFEAT OF GERMANY, THE FOUR
POWERS -- FRANCE, THE UNITED KINGDOM, THE UNITED STATES,
AND THE SOVIET UNION -- DECLARED ON JUNE 5, 1945, THAT

THEY "HEREBY ASSUME SUPREME AUTHORITY WITH RESPECT TO GERMANY (AND) WILL HEREAFTER DETERMINE THE . . . STATUS OF GERMANY OR OF ANY AREA AT PRESENT BEING PART OF GERMAN TERRITORY." THE DEFEAT OF GERMANY AND ASSUMPTION OF SUPREME AUTHORITY BY THE FOUR POWERS WAS A JOINT UNDERTAKING IN WHICH THE PARTICIPANTS HAD EQUAL STANDING. THE RIGHTS OF EACH POWER THUS EXIST INDEPENDENTLY AND UNDERLIE THE SERIES OF AGREEMENTS WHICH SPECIFY THE AREAS IN WHICH AND THE METHODS BY WHICH

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THOSE RIGHTS ARE TO BE EXERCISED.

THE FACT THAT TWO SEPARATE STATES CAME INTO BEING IN GERMANY, ESTABLISHED DIPLOMATIC RELATIONS WITH A MAJORITY OF COUNTRIES, AND JOINED THE UNITED NATIONS HAS, OF COURSE, PRODUCED CHANGES IN THE SITUATION. THESE DEVELOPMENTS HAVE NOT, HOWEVER, PUT AN END TO QUADRIpartite RIGHTS AND RESPONSIBILITIES WITH RESPECT TO QUESTIONS CONCERNING GERMANY AS A WHOLE. AS LONG AS A PEACE TREATY IS NOT CONCLUDED, THE UNITED STATES, THE UNITED KINGDOM, THE SOVIET UNION, AND FRANCE RETAIN THOSE RIGHTS, A FACT WHICH WAS CONFIRMED BY THEM IN THE QUADRIpartite DECLARATION OF NOVEMBER 4, 1972, WHICH STATES THAT UNITED NATIONS MEMBERSHIP OF THE FRG AND THE GDR "SHALL IN NO WAY AFFECT THE RIGHTS AND RESPONSIBILITIES OF THE FOUR POWERS AND THE CORRESPONDING, RELATED QUADRIpartite AGREEMENTS, DECISIONS AND PRACTICES."

II

THE WARTIME AND EARLY POSTWAR AGREEMENTS ESTABLISHED A SPECIAL QUADRIpartite STATUS FOR BERLIN, THE FORMER CAPITAL OF THE GERMAN REICH. THE PROTOCOL OF SEPTEMBER 12, 1944, AS AMENDED, PROVIDED FOR THE ESTABLISHMENT IN GERMANY NOT ONLY OF FOUR ZONES OF OCCUPATION BUT ALSO OF THE "SPECIAL BERLIN AREA, WHICH WILL BE UNDER JOINT OCCUPATION BY THE FOUR POWERS."

IN IMPLEMENTATION OF THIS AGREEMENT, AN INTER-ALLIED KOMMANDATURA OF FRANCE, THE UK, THE US, AND THE USSR WAS ESTABLISHED "FOR THE PURPOSE OF EXERCISING THE JOINT ADMINISTRATION OF BERLIN." THE KOMMANDATURA FUNCTIONED ON A QUADRIpartite BASIS FOR ALL OF BERLIN FROM JULY 11, 1945, UNTIL JULY 1, 1948, WHEN THE SOVIET AUTHORITIES UNILATERALLY WITHDREW. THIS WITHDRAWAL DID NOT ALTER THE STATUS OF THE CITY. HOWEVER, THE KOMMANDATURA HAS SINCE THEN BEEN ABLE TO CARRY OUT ITS DECISIONS ONLY IN THE THREE WESTERN SECTORS. IN

THESE SECTORS, THE US, UK AND FRANCE CONTINUE TO EXERCISE
SUPREME AUTHORITY, SUBJECT ONLY TO THE RIGHTS AND
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RESPONSIBILITIES WHICH ALL FOUR POWERS HOLD FOR BERLIN
AS A WHOLE.

III

IN THE EXERCISE OF THEIR SUPREME AUTHORITY, THE
THREE POWERS NOTIFIED THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY, WHEN IT WAS ESTABLISHED IN 1949,
THAT BERLIN WOULD NOT BE GOVERNED BY THE FRG. WITHIN
THIS FRAMEWORK AND SUBJECT TO CERTAIN SPECIFIED
CONDITIONS, THE THREE POWERS IN 1952 AGREED TO THE
MAINTENANCE AND FURTHER DEVELOPMENT OF THE TIES
BETWEEN THE FRG AND THE WSB AND AUTHORIZED THE FRG TO
REPRESENT THE INTERESTS OF THE WSB ABROAD. THIS MADE
POSSIBLE TO A LARGE EXTENT THE ADOPTION IN THE WESTERN
SECTORS OF BERLIN OF FEDERAL LEGISLATION, THE EXTENSION
TO THE WESTERN SECTORS OF BERLIN OF INTERNATIONAL
AGREEMENTS CONCLUDED BY THE FRG, AND THE INCLUSION OF
THE CITY IN THE ECONOMIC AND SOCIAL SYSTEM OF THE FRG.
THE THREE POWERS, ACTING IN THE EXERCISE OF THEIR
SUPREME AUTHORITY, ENSURE THAT ACTIVITIES PERFORMED BY
THE FRG IN THIS CONNECTION ARE CARRIED OUT IN A
MANNER CONSISTENT WITH THE STATUS OF THE CITY.

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IV

THE QUADRIpartite AGREEMENT, WHICH WAS SIGNED BY FRANCE, THE UK, THE US AND THE USSR IN BERLIN ON SEPTEMBER 3, 1971, BROUGHT ABOUT A VARIETY OF PRACTICAL IMPROVEMENTS IN AND AROUND BERLIN. IT DID NOT AFFECT THE PRINCIPLES AND PRACTICES DESCRIBED ABOVE; IN PARTICULAR:

-- THE QUADRIpartite AGREEMENT REAFFIRMED THE FACT THAT QUADRIpartite RIGHTS AND RESPONSIBILITIES RELATING TO GREATER BERLIN REMAIN IN EFFECT AND ARE BINDING ON ALL FOUR POWERS. THE QA WAS CONCLUDED BY THE FOUR POWERS "ACTING ON THE BASIS OF THEIR QUADRIpartite RIGHTS AND RESPONSIBILITIES, AND OF THE CORRESPONDING WARTIME AND POST-WAR AGREEMENTS AND DECISIONS OF THE FOUR POWERS, WHICH ARE NOT AFFECTED." CONFIDENTIAL

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-- IN THE SECTIONS DEALING SPECIFICALLY WITH THE WESTERN SECTORS OF BERLIN (PART II OF THE AGREEMENT), THE AGREEMENT STATES THAT THE "TIES BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY WILL BE MAINTAINED AND DEVELOPED, TAKING INTO ACCOUNT THAT THESE SECTORS CONTINUE NOT TO BE A CONSTITUENT PART OF THE FEDERAL REPUBLIC OF GERMANY AND NOT TO BE GOVERNED BY IT."

-- THE QUADRIpartite AGREEMENT RECOGNIZES THAT, WITHOUT PREJUDICE TO ALLIED RIGHTS AND RESPONSIBILITIES AND PROVIDED MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED, THE FRG, UNDER THE CONDITIONS SET OUT FOR SPECIFIC CASES IN ANNEX IV OF THE AGREEMENT, MAY

REPRESENT THE INTERESTS OF THE WSB ABROAD.

THE ATTACHED ANNEX DESCRIBES IN SOMEWHAT GREATER
DETAIL THE LEGAL SITUATION CONCERNING CERTAIN OF THE
BERLIN-RELATED ISSUES WHICH HAVE OCCASIONALLY BEEN
RAISED. OUR AUTHORITIES WOULD LIKE TO EXPRESS THEIR
READINESS TO PROVIDE ADDITIONAL INFORMATION ON MATTERS
RELATING TO BERLIN. END TEXT.
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